

REMARKS

Claims 19, 21-24 and 67-70 are pending and have been amended. No new matter has been added by way of these amendments. Support for the amendments is found, for example, at page 20, lines 18-20; page 27, lines 6-10; page 33, lines 1-24, page 46, lines 18-34, and page 57, lines 12-22. The pending claims are in condition for allowance, do not raise new matter and do not require further consideration or search. As such, entry of the present amendment and consideration of the remarks provided is respectfully requested.

Telephonic Interview

Applicants gratefully acknowledge the Examiner's willingness to conduct an interview with Applicants' representative telephonically on Tuesday, July 27, 2004. While agreement was not reached regarding the pending claims, the Examiner did provide several helpful suggestions, the substance of which are embodied in the amendments and remarks contained herein.

Withdrawn Objections and Rejections

Applicants gratefully acknowledge the Office's withdrawal of its objections to the specification. Applicants also acknowledge the withdrawal of the rejection of claims 19 and 67 under 35 U.S.C. § 112, second paragraph.

Sequence Compliance

Applicants have reviewed the entire specification and made the appropriate amendments thereto. The Office noted the phrase "SYFPEITHI" on page 44 of the specification. This phrase does not refer to a peptide but instead to the name of a computer database. SYFPEITHI is a

database for MHC ligands and peptide motifs. As such, this phrase does not require Applicants to list it in the sequence listing. Accordingly, withdrawal of this objection is respectfully requested.

Possession of the Invention

Claims 19, 21-24 and 67-70 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly containing subject matter which was not adequately described in the specification to allow one of ordinary skill in the art to reasonably conclude that Applicants were in possession of the invention at the time the application was filed. Applicants respectfully disagree with the Office regarding the substance of this rejection.

The specification provides a more than adequate description of the claimed subject matter to allow one of ordinary skill in the art to reasonably conclude that Applicants were in possession of the claimed subject matter at the time the application was filed. Specifically, one of ordinary skill in the art would recognize the nexus existing between the term "158P1D7" and the sequence identification number cited in the body of the claim. Nevertheless, Applicants have amended the pending claims to more clearly associate the term "158P1D7" with SEQ ID NO: 657, as suggested in the Office Action. Accordingly, withdrawal of this rejection is requested.

Enablement

Claims 19, 21-24 and 67-70 were rejected under 35 U.S.C. § 112, first paragraph, for allegedly not being supported by an enabling disclosure. Applicants continue to respectfully disagree with the Office regarding the grounds of this rejection. Nevertheless, in view of the amendments made to the pending claims to specify the nexus between 158P1D7 and SEQ ID NOS: 656 and 657, Applicants submit that this rejection is obviated.

Anticipation

The pending claims stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by United States Patent Application Publication No. 2004/0033504 and separately by WO 01/81363.

Invalidity for anticipation requires that all of the elements and limitations of the claim are found within a single prior art reference. ...There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention.

See *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565 (Fed. Cir. 1991).

The Office has alleged that the subject matter of the pending claims is anticipated by the cited references. The Office reasoned that because the sequences disclosed in the prior art were 98% identical to the claimed sequences, that there must be some T cell or B cell epitopes present in the prior art sequences that met all the limitation of the claimed invention. Applicants respectfully disagree.

The subject matter of the pending claims recites methods of inducing an immune response to SEQ ID NOS: 656 and 657. Independent claims 19 and 21 recite methods for inducing an immune response comprising providing an immunogenic composition which comprises SEQ ID NO: 657 to a subject, whereby an immune response is induced. The cited references do not anticipate the claimed invention because neither teach all the limitations of the pending claims. Specifically, because neither reference teaches the sequences disclosed as SEQ ID NOS: 656 and 657 in their entirety, the cited art cannot teach all the limitations of the pending claims. As such, Applicants request that the present rejection in view of the cited references United States Patent Application Publication No. 2004/0033504 and separately by WO 01/81363 be withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket No. 511582005000.

Respectfully submitted,

Dated: July 28th, 2004

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